IN RE: PETITION FOR ADMIN. VARIANCE NW/S Canberwell Road, 200' SW of the c/l of Gilston Park Road (1205 Canberwell Road)

1st Election District

1st Councilmanic District

Marilyn J. Koontz and Kimberly A. Koontz, Petitioners

- BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- Case No. 99-419-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Marilyn J. Koontz and Kimberly A. Koontz. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 211.3 and 211.4, R.6, 1959 Regs.) to permit a side yard setback of 1.5 feet in lieu of the required 8 feet, a sum of the side yards of 16.5 feet in lieu of the required 20 feet, and a rear yard setback of 10 feet in lieu of the required 30 feet, for a proposed carport. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of this Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

THE SHIP THE INC.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Jay of May, 1999 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 211.3 and 211.4, R.6, 1959 Regs.) to permit a side yard setback of 1.5 feet in lieu of the required 8 feet, a sum of the side yards of 16.5 feet in lieu of the required 20 feet, and a rear yard setback of 10 feet in lieu of the required 30 feet, for a proposed carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

May 20, 1999

Ms. Marilyn J. Koontz Ms. Kimberly A. Koontz 1205 Canberwell Road Catonsville, Maryland 21228-2836

RE: PETITION FOR ADMINISTRATIVE VARIANCE

NW/S Canberwell Road, 200' SW of the c/l of Gilston Park Road

(1205 Canberwell Road)

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District Marilyn J. and Kimberly A. Koontz – Petitioners

Case No. 99-419-A

Dear Ms. Koontz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc.

People's Counsel; Case File



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

<del>()</del>	for the property located at	<u> 1205</u>	(answer)	mell Rcl	
	which	h is pres	ently zoned	DR5.5	
This Petition shall be filed with the Depower(s) of the property situate in Baltimo	re County and which is described	opment N I in the de	Management. escription and p	The undersigned plat attached here	l, lega to and

OW made a part hereof, hereby petition for a Variance from Section(s)

i Boz. 3. B. (211.3 and 211.4, R.C, 1959) to permit a 1.5 ft side setback, a 16.5 ft side setback sum and a 10 ft rear setback in lieu of 8 ft, 20 ft, and 30 ft; respectively, for a carport.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			periury, that		gal owner(s) of	r the penalties of the property which
Contract Purchase	er/Lessee:		<u>Legal Ow</u>	ner(s):		
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Attorney For Petit	ioner:	,	1205 C	inber we	11 Road	410-788-978
	<del></del>		Address			Telephone No.
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Name - Type or Print			City		State	Zip Code
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A Public Hearing having	been formally demands	ed and/or found to be	required, it is ord	ered by the Zoni	ing Commissione	er of Baltimore County,
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HO)						
	-		Zoni	ng Commissione	r of Baltimore Co	unty
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Estimated Posting Date

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

1205 Canberwell

Cart	onsville,	MO	21228
City		State	Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pra	e the facts upon while actical difficulty);	ch I/we base the re	quest for an Administrative
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2. Carport will be placed 15 close to the proper	our exist	ting drive	ieay which
3. The Sile property line portion of corport is property line	is angled close to s	so that side and	the back rear
4. Corport to remain pr	marily opc	ท	
That the Affiant(s) acknowledge(s) that if a formal de advertising fee and may be required to provide additionate		nt(s) will be require	ed to pay a reposting and
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Name - Type or Print		or Print/ QND K	
STATE OF MARYLAND, COUNTY OF BALTIMORE, t	to wit:		
of Maryland, in and for the County aforesaid, personally	appeared		Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily law that the matters and facts hereinabove set forth are	identif <b>iež</b> i to me as :	such Afffant(s)) and	made oath In due form of
AS WITNESS my hand and Notarial Seal	١. ١		
91 (1999) Date	Notary Public	willed	<u> </u>
	My Commission Ex	NUIAKI FIJ	CHAEL T. ZABEC
REU 09/15/98		My Commission	on Expires March 31, 2001

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	1205 Ca	anberuell 1	Rd.	
				Z/ZZ 8 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the fact	s upon which I/we		
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That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s) wition.	ill be required to	pay a reposting and
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MARILYW JOAN KOONTZ Name - Type or Print	<del></del>	Kimberly Name - Type or Print	and Koontr	
STATE OF MARYLAND, COUNTY OF BALTIN				
I HEREBY CERTIFY, this Low day of Off Maryland, in and for the County aforesaid, per	rsonally appeared	<u>, 1995</u> , i	before me, a Nota	ary Public of the State
Kumberlya	un Koonta	and Mar	lyn Joan k	conto-
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	ractorily identified orth are true and o	to me as such At correct to the best	fiant(s), and mad of his/her/their kn	le oath in Siue form of nowledge and belief.
AS WITNESS my hand and Notarial Seal				
4/1/1990		al Just all	CORLETE	
Date	Notary F My Com	<sup>o</sup> ublic Imission Expires		AGLT, ZACEC C STATE OF MARYLAND
	, 50111			Expires March 31, 2001

4/20/99



REV 9/15/98

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	1205	CAN	BER	WELL	ROAD
which	h is pres	ently zo	ned _	DRS.	5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1302.3.B. (211.3 and 211.4, R. 6, 1959) to permit a 1.5 ft side schock, a 16.5 ft side schock sum and a 10 ft rear schock in lieu of 8 ft, 20 ft, and 30 ft; respectively, for a carport.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

				leclare and affirm, un re the legal owner(s) s Petition.		
Contract Purchaser/Le	ssee:		Legal Owner(s	<u>):</u>		
			MARILIN	JOAN KOON	12	
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Signature			Marlin gr Signature Kimberky	$C_{\cdot}$	N+2	
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City	State	Zip Code	Signature	0		
Attorney For Petitione	<u>r:</u>		1305 CANBER Address	EWELL ROAD	-	788-9785 Telephone No
Name - Type or Print			Catonsuille City	State		328 -283 Zip Code
Signature			Representative a box	to be Contacte	<u>a:</u>	
Company		-	Name a 6 ccc	- 4		
Address		Telephone No.	Address	,	Te	elephone No.
City	State	Zip Code	City	State	3	Zip Code
A Public Hearing having been his day of egulations of Baltimore County a	that	the cubiect matter of the	nis petition be set for a pub	y the Zoning Commission to the Zoning Commission of Baltimore	as required	imore County, by the zoning

Estimated Posting Date

# Zoning Description

Beginning on the northwest side of Canberwell Road, 50 feet wide, at the distance of 200 feet southwest the conterline of Gilston Park Road, 50 feet wide, as located within the Westview Park Subdivision, Section 6, Block D, Lot 14 as recorded in Plat Book 26, Folio 33; Also Known as 1205 Canberwell Road containing. 21 acres in the 1st Election District

09.419.A

# 419

S. S. FAID RECEIPT PROCESS ACTUAL TIME 4/22/1999 4/22/1999 04:38:52 REG MODE CABILER LONT LAS DIRMAED SO.00 CK CO.00 CK SO.101 SO.00 CK SO.00 CK SO.00 CK SO.000 CK SO.000 CO.000 CO.000 CO.000 CO.000 CO.000 CO.000 CK SO.000 CK SO HISCELLANDIS CASH REQ.TP.I (69/48) Receipt # CR 10. 065445 FAIII F PROLESS //22/1999 worder the for Kountz - 1205 Carber will Rt. No. 065445 # 50° of AMOUNT \$ 50, 6 ACCOUNT 01-615 BALTIMORE COUNTY, MARYL OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT Item. 419 137. 120516 DATE 4/22/94

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - ABENCY

DISTRIBUTION WHITE - CASHIER

#### CERTIFICATE OF POSTING

RE: CASE # 99-419-A
PETITIONER/DEVELOPER:
[Marilyn & Kim Koontz]
DATE OF Hearing
(May 17, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

The sign(s) were posted on\_\_\_

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1205 Canberwell Road Baltimore, Maryland 21228\_\_\_\_\_

4-30-99 \_\_\_\_ (Month, Day, Year)

Sincerely,
Ohomo Del Suproleg
(Signature of Sign Poster & Date) Thomas P. Ogle, Sr.
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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			Mitchell Plan	ner. Please f	Print Your N	lame		· ·		er: 410-8	
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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

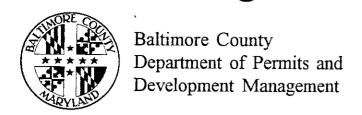
### **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Tot Newspaper Advertising.
Item Number or Case Number: 99-419-A
Petitioner: Marilyn & Kimberly Koontz
Address or Location: 1805 Canberwell Roal
PLEASE FORWARD ADVERTISING BILL TO:
Name: Sheldon Fursheimer
Address: Homevica Contractors, Inc.
9474 Deereco Road.
Timoni-n, MD 21093
Telephone Number: (410) 252 - 4663



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 18, 1999

Ms. Marilyn Joan Koontz 1205 Canberwell Road Catonsville, MD 21228-2836

RE: Case No.: 99-419-A

Petitioner: Koontz

Location: 1205 Canberwell Road

Dear Ms. Koontz:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 22, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

May 7, 1993

Arnold Jablen, Director Zoning Administration and Development Management Baltimore Jounty Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MERTING OF May 1, 1939

Item No.: See Melow Zoning Agenda:

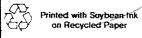
. Cantiomen:

Engineer to your request, the referenced principly has seen surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the first plans for the property.

Of the fire Marshal's Office has no comments at this time, IN PEPERENCE TO THE FOLLOWING ITEM NUMBERS:

412, 413, 414, 415, 413, 413

PRVIEWER: ET. HERB TAYLOR
Fixo Maschal Offico, PHONE 397-4881, MS-11-62F
ad: File



PY

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Date: April 30, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 394, 414, 419, and 422

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 13, 1999

Department of Permits & Development

Management

FROM:

Bobert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for May 10, 1999

Item Nos. 413, 415, 417, 419) and 420

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Amold Jablon, Director

Permits and Development Management

DATE:

FROM:

R. Bruce Seeley, Project Manager

**Development Coordination** 

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 5/3/99

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s:



Parris N. Glendenina Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 4.30.55

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County** 

Item No. 419

MJK

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

I. J. Gradle

Michael M. Lenhart, Acting Chief Engineering Access Permits Division Homeview Contractors INC.

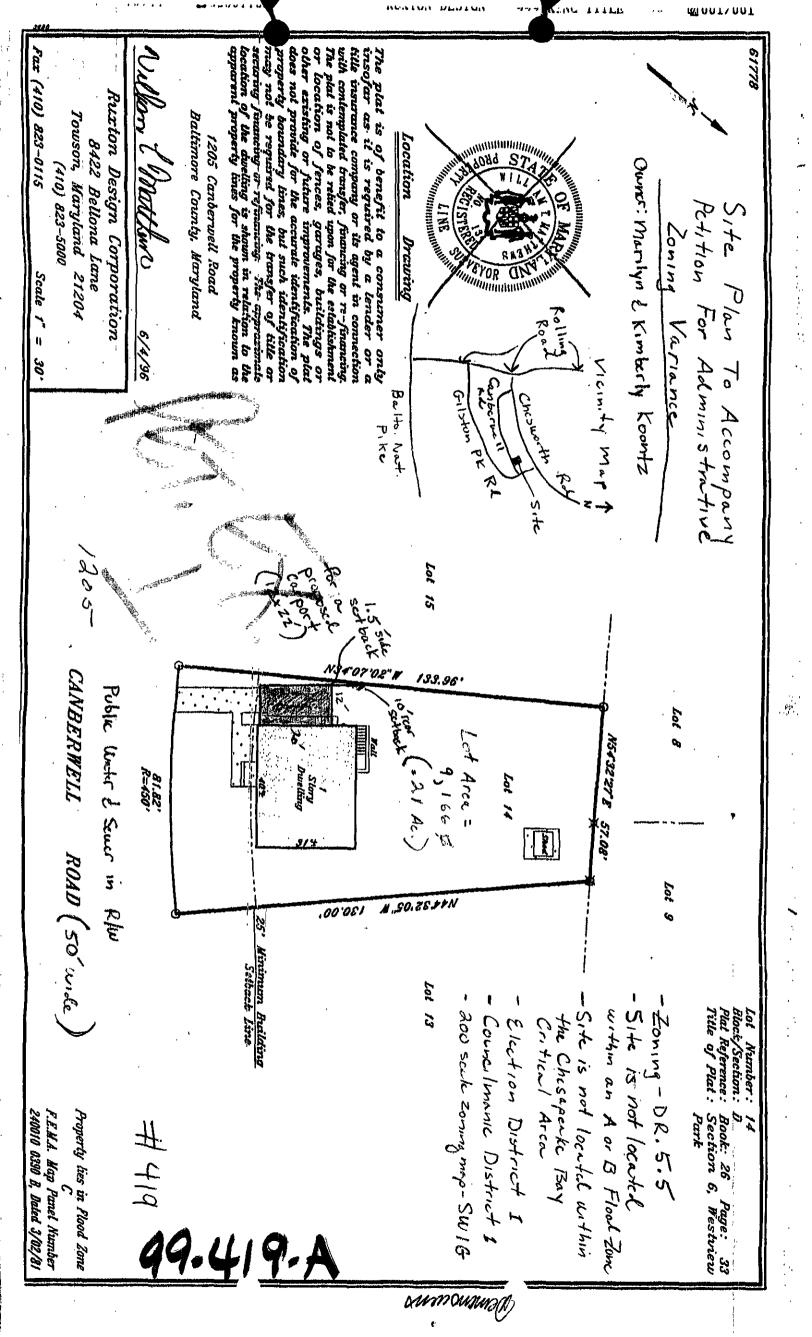
9474 Deereco Rd

Timonium, MD 21093

I understand that the Koontz family, who presides at 1205 Canberwell Rd Baltimore, MD 21228, is having a carport built onto the side of their house, which is located next to my house. I also understand that the Koontz's carport will be closer to the property line between our homes. We fully understand the above information and have no objections.

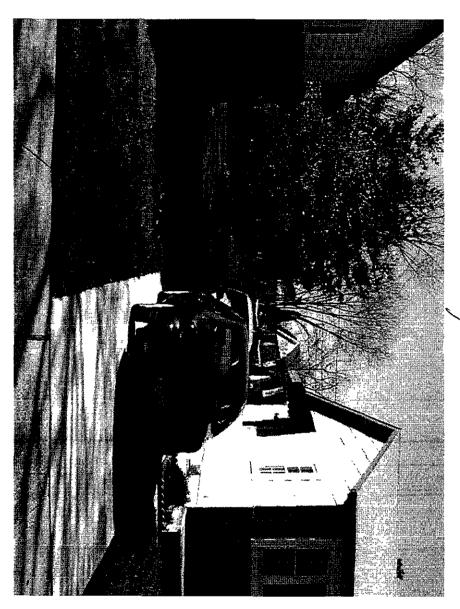
Please sign below to confirm your complete understanding of the situation and to verify that you so not have any objections.

# 419 99.419-A





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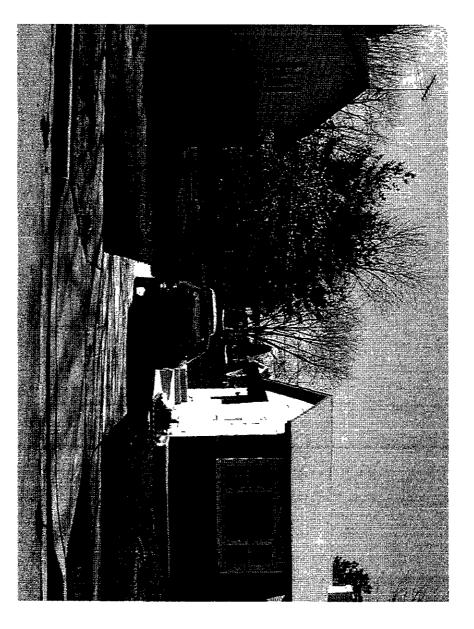


Karnen

# 419

99.419-A

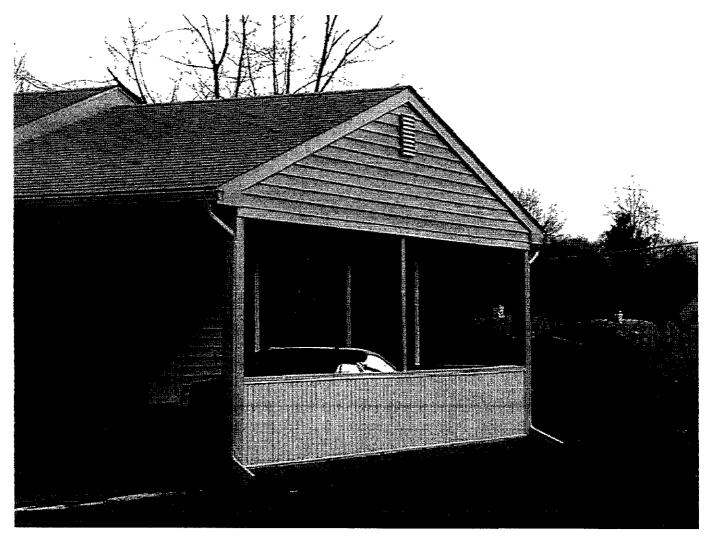
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Subject Property - Side Unice Corport is to be placed

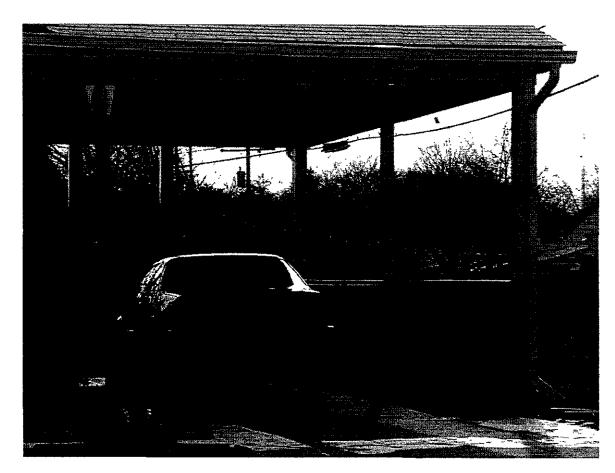
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99.419-A



Design of Corport

# 419 99.419-A



Design of Carport

# 419 94.419.A